



A BILL FOR AN ORDINANCE

RELATING TO MOTOR VEHICLE TIRES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to promote the proper recycling of used motor vehicle tires by regulating the commercial delivery of used motor vehicle tires to a motor vehicle tire recycler.

SECTION 2. Chapter 41 ("Regulated Activities Within the City"), Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Motor Vehicle Tire Recycling

Sec. 41-____.1 Definitions.

"Authorized tire collection facility" means any facility permitted by the state department of health under HRS chapter 342I as a tire collection facility which may collect and temporarily hold tires before transporting them to an authorized tire recycler.

"Authorized tire recycler" means any processor, shredder, or manufacturer permitted by the state department of health under HRS chapter 342I as a tire recycling facility.

"Department" means the department of environmental services.

"Facility" means all contiguous land, including buffer zones and structures or other appurtenances and improvements on the land, used for the handling of used tires.

"Motor vehicle tire" means any tire that is used or designed for use on a motorized vehicle including but not limited to an automobile, bus, motorcycle, truck or heavy equipment.

"Tire retailer" means any person who sells or offers to sell new tires to the public.

"Tire wholesaler" means any person who sells or offers to sell new tires to tire retailers or other volume buyers of new tires.



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"Transporter" means any person who sells, offers to sell, or offers to provide as part of a business transaction the delivery of used motor vehicle tires to an authorized tire recycler.

Sec. 41-____.2 Legislative intent.

It is declared to be the legislative intent of the council to promote the appropriate recycling and prevent the illegal dumping of used motor vehicle tires by requiring the use of a documented chain of custody process for all tire retailers and authorized tire collection facilities in the delivery of used motor vehicle tires to their proper end destination, an authorized tire recycler.

Sec. 41-____.3 Chain of custody.

- (a) Pursuant to HRS Section 342I-26, all facilities that accept used motor vehicle tires, including tire retailers, wholesalers, transporters, collectors, and recyclers are required to maintain certain records detailing the disposition of used tires in their possession. To augment the required information, each facility that accepts used motor vehicle tires shall document the chain of custody for all used tires in their possession identifying from whom tires are received and to whom tires are transferred. The department shall, by rule, determine the form of the documentation.
- (b) The facility shall submit copies of all completed chain of custody documents for the preceding calendar year to the department by March 1 of each year.

Sec. 41-____.4

The department shall report to the council by July 1 of each year on the completeness of the chain of custody reports received for the preceding calendar year and any findings and recommendations for strengthening the chain of custody of used tires.

Sec. 41-____.5 Adoption of rules.

In accordance with HRS chapter 91, the director of environmental services shall adopt rules having the force and effect of law for the implementation, administration, and enforcement of this ordinance.



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Sec. 41-____.6 Enforcement.

The department of environmental services shall enforce this article. Authorized employees of the department may issue warnings, citations, or administrative orders, or commence civil action in circuit court against persons who fail to comply with the requirements of this article.

Sec. 41-____.7 Penalties.

For each violation of this article, a violator shall be subject to a penalty of not more than \$10,000 for each separate offense. Each day of each violation shall constitute a separate offense. The fines imposed pursuant to this section shall be cumulative. Remedies shall be by citations, by civil action, or by administrative orders."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 18 (2012)

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SECTION 3. This ordinance shall take effect 120 days after its approval.

INTRODUCED BY:

TOM BERG

DATE OF INTRODUCTION:

MAR 07 2012

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

PETER B. CARLISLE, Mayor
City and County of Honolulu

FILED
MAR 07 2014
PURSUANT TO ROH Sec. 1-2.4